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**HAMRE, SCHUMANN,
MUELLER & LARSON, P.C.**
AN INTERNATIONAL INTELLECTUAL PROPERTY LAW FIRM

FAX TRANSMISSION October 28, 2008

TO: Mail Stop: ISSUE FEE
Examiner: A. LAVARIAS
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

FROM: Douglas P. Mueller

OUR REF: 14434.0092USWO

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Title of Document: **Communication Regarding Prior Art (2 pgs)**

Applicant: MIYAZAKI et al.
Serial No.: 10/561,489
App. Filed: March 15, 2006
Group Art No.: 2872
Con. No.: 6312

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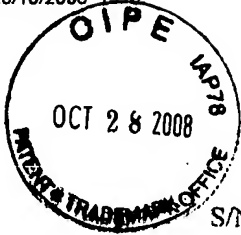
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October 28 2008
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S/N 10/561,489

PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	MIYAZAKI et al.	Examiner:	A. LAVARIAS
Serial No.:	10/561,489	Group Art Unit:	2872
Filed:	March 15, 2006	Docket No.:	14434.0092USWO
Title:	LIGHT DIFFRACTION METHOD AND DIFFRACTION DEVICE, DIFFRACTION GRATING USED FOR THEM, AND POSITION ENCODING DEVICE		

CERTIFICATE UNDER 37 CFR 1.6(d)

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on October 28, 2008.

By: Mele Kaufman

Name: Mele Kaufman

COMMUNICATION REGARDING PRIOR ART

Mail Stop: ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Commissioner:

This is in response to the Office Communication mailed September 29, 2008 regarding the non-patent literature documents. On August 18, 2008 a communication was submitted regarding two non-patent literature documents which were previously submitted in an Information Disclosure Statement and not considered by the Examiner. Applicants were not re-submitting an Information Disclosure at that time, but merely requesting consideration of references previously submitted. A second communication was filed September 15, in which a copy of the original postcard receipt was enclosed to confirm that the 4 references were originally submitted with the Information Disclosure Statement at the time of filing the application. Applicants were not re-submitting an Information Disclosure Statement at that time. Therefore, since no Information Disclosure Statements were filed, no fees or Statement Under 37 CFR 1.97(e) were due, and the September 29, 2008 Office Communication is in error.

Applicants respectfully request confirmation the references have been considered.



Dated: October 28, 2008

Respectfully submitted,

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